Executive Summary – Enforcement Matter – Case No. 50024 City of Baird RN101720969 Docket No. 2015-0177-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Baird WWTP, located immediately east of the TP Lake Dam and immediately south of the Texas-Pacific Railroad right-of-way, Callahan County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: No

Texas Register Publication Date: August 28, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,621

Amount Deferred for Expedited Settlement: \$5,724 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$637
Total Due to General Revenue: \$22,260

Payment Plan: 35 payments of \$636 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory Site/RN - Satisfactory

Major or Minor Source: Minor Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 50024 City of Baird RN101720969 Docket No. 2015-0177-MWD-E

Investigation Information

Complaint Date(s): N/A **Complaint Information**:

Date(s) of Investigation: December 16, 2014

Date(s) of NOE(s): January 16, 2015

Violation Information

- 1. Failed to collect and analyze effluent samples for *Escherichia coli* (*"E. coli"*). Specifically, the Respondent did not collect and analyze samples for *E. coli* for the monitoring periods ending May 31, 2014 through November 30, 2014 [30 Tex. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), 319.1, 319.4, and 319.5(b), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010037001, Monitoring and Reporting Requirements Nos. 1 and 3.a.].
- 2. Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the non-compliance. Specifically, the Respondent did not submit non-compliance notifications for ammonia-nitrogen daily average concentration violations that occurred during the monitoring periods ending January 31, 2014; February 28, 2014; March 31, 2014; April 30, 2014; and May 31, 2014 [30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010037001, Monitoring and Reporting Requirements No. 7(c)].
- 3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office by September 30, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010037001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By December 16, 2014, updated operational guidance and conducted employee training to ensure that all effluent parameters, including *E. coli*, are monitored at the frequencies specified in the permit; all effluent violations which deviate from the permitted limit by more than 40% are properly reported to the TCEQ; and all reporting procedures are properly accomplished for annual sludge reports.
- b. By December 31, 2014, began collecting and analyzing effluent samples for $E.\ coli.$

Executive Summary – Enforcement Matter – Case No. 50024 City of Baird RN101720969 Docket No. 2015-0177-MWD-E

c. By March 2, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Had Darling, Enforcement Division,

Enforcement Team 1, MC 169, (512) 239-2520; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Jeff Barton, Mayor, City of Baird, 328 Market Street,

Baird, Texas 79504

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 20-Jan-2015 PCW 18-Jun-2015 Screening 30-Jan-2015 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Baird Reg. Ent. Ref. No. RN101720969 Facility/Site Region 3-Abilene Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 50024 No. of Violations 3 Docket No. 2015-0177-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit Yes Multi-Media Enf. Coordinator Had Darling EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$32,750 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 28.0% Enhancement Subtotals 2, 3, & 2 \$9,170 Enhancement for one order with denial of liability and four months of self-Notes reported effluent violations. Culpability No 0.0% Enhancement Subtotal 4

The Respondent does not meet the culpability criteria.

Recommended reduction so that the reporting violations do not overly

impact the penalty.

Deferral offered for expedited settlement.

0.0% Enhancement*

Capped at the Total EB \$ Amount

-15.2%

20.0%

Notes

Economic Benefit

SUM OF SUBTOTALS 1-7

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Good Faith Effort to Comply Total Adjustments

\$270

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Total EB Amounts

Estimated Cost of Compliance

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage

\$0

\$0

-\$8,149

\$33,771

-\$5,150

\$28,621

\$28,621

-\$5,724

\$22,897

Subtotal 5

Subtotal 6

Final Subtotal

Adjustment

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

Docket No. 2015-0177-MWD-E

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent City of Baird Case ID No. 50024 Reg. Ent. Reference No. RN101720969 Media [Statute] Water Quality Enf. Coordinator Had Darling

Compliance History Worksheet

	Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	4	8%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	-
	Audis	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
	Charles and the Albertain		ease Enter Yes or No	1	l
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment Pe	rcentage (Sub	total 2)	28%
>> Re	peat Violator ((6.1	4-4-123	
2000222222557676955	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	**************************************	rcentage (Sub	itotai 3)	0%
>> Co	*****	ory Person Classification (Subtotal 7)			
	Satisfactory	Performer Adjustment Per	rcentage (Sub	total 7)	0%
>> Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for one order with denial of liability and four months of self-repo violations.	rted effluent		
>> Fina	ıl Compliance	Total Compliance History Adjustment Percentage (History Adjustment Final Adjustment Percent			28% 28%

PCW	No. 2015-0177-MWD-E	Dock	ning Date 30-Jan-2015		
cy Revision 4 (April 2014)	•		spondent City of Baird		
/ Revision March 26, 2014	PCW I		se ID No. 50024		Dog E
			rence No. RN101720969		Keg. E
a de la companya de			[Statute] Water Quality ordinator Had Darling		
			on Number 1		
1	(11)(A), 319.1, 319.4, and 319.5(b),	Code 88 305.125(1), 305.1			
	n System ("TPDES") Permit No.				
	ng Requirements Nos. 1 and 3.a	37001, Monitoring and Repo	WQ00100		
-					
4	s for Escherichia coli ("E. coli"), as on December 16, 2014. Specifically,		documented du		
<i>[</i>	amples for E. coli for the monitoring			Violatio	
	ugh November 30, 2014.	iods ending May 31, 2014 t	pe		
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y \$25,000	Base Penalty				
		in Health Matrix Harm	al, Property and Hum	ironmei	>> Envi
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			Actual		OR
	Percent 15.0%		Potential x		
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		Moderate Minor	c Matrix Falsification Major	ıramma	>>Prog
	Percent 0.0%	Troderate Trimor	1.0,0.		
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	pollutants that would exceed levels	nent will or could be expose	Human health or the environ	Matrix	
	eptors as a result of the violation.			Notes	
				-	
តា	Adjustment \$21,250				
	1/				
\$3,750					
				n Even	Violatio
**					
,	Number of violation days	<u> </u>	Number of Violation Events		
No. at a second			daily		
			weekly		
		X	monthly		
y \$26,250	Violation Base Penalty		mark only one quarterly		
	- '	sneirairii, i -	semiannual		
1			ənnual		***************************************
америаногоро			single event		
7					
	mended.	even monthly events are rec	S		
4					
\$6,562	Reduction	25.0%	ts to Comply	aith Effo	Good Fa
	Settlement Offer	fore NOE/NOV NOE/NOV to EDP	B Extraordinary		
		X	Ordinary		direction of the second of the
	(*15.00er.)	(mark with x)	N/A		***************************************
	desert termine to feetifund for				
		The Respondent returned 1	Notes		
\$19,688	Violation Subtotal				
415,000		200000000000000000000000000000000000000	000000000000000000000000000000000000000		
	Statutory Limit Test	n	it (EB) for this violation	iic Bene	Econom
\$22,915	Violation Final Penalty Total	\$116	Estimated EB Amount		
\$22,313	violation rinal renalty rotal	\$110	Estimated Es Amount		
\$22,915	ssed Penalty (adjusted for limits)	This violation Final A			

Economic Benefit Worksheet Respondent City of Baird Case ID No. 50024 Reg. Ent. Reference No. RN101720969 Years of Media Water Quality Percent Interest Depreciation Violation No. 1 5.0 **Final Date** Yrs Interest Saved Onetime Costs **FB Amount** Item Cost Date Required Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 \$0 Equipment Buildings \$0 0.00 \$0 \$0 Other (as needed) 0.00 \$0 \$0 Engineering/Construction 0.00 \$0 \$0 \$0 0.00 \$0 n/a \$0 **Record Keeping System** 0.00 \$0 n/a \$0 1-May-2014 0.67 \$8 \$8 Training/Sampling n/a \$0 Remediation/Disposal 0.00 \$0 0.00 \$0 \$0 Permit Costs m/a Other (as needed) 0.00 \$0 n/a Estimated cost to update operational guidance and conduct employee training to ensure that all effluent Notes for DELAYED costs parameters, including E. coli, are monitored at the frequency specified in the permit. Date required is the first month that E. coli samples should have been collected. Final date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 \$0 \$0 Personnel 0.00 \$0 \$0 \$0 30-Nov-2014 Inspection/Reporting/Sampling \$175 1-May-2014 0.58 \$5 \$102 \$107 Supplies/Equipment 0.00 \$0 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Estimated cost that was avoided by failing to collect and analyze samples for E. coli (\$25 x 7 missed samples). Date required is the date the E. coli limits became effective and the final date is the last month Notes for AVOIDED costs that E. coli samples were not collected and analyzed. TOTAL \$116 \$425 Approx. Cost of Compliance

	ening Date		Ţ	Ocket No. 20	15-0177-MWD-E		PCW
	espondent ase ID No.						evision 4 (April 2014)
Reg. Ent. Ref						PCW Kev	ision March 26, 2014
	[Statute]						***************************************
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC	oordinator	Had Darling					***************************************
Viola	tion Number	2					***************************************
	Rule Cite(s)		. Code § 305.125(1) Ionitoring and Repor	. 27	that was a first that the said of the said	001,	
Violation	n Description	limitation by more Enforcement D compliance, as d 2014. Specifically ammonia-nitroge	any effluent violation than 40% in writing lvision within five wo ocumented during ar r, the Respondent did n daily average conces ending January 31, April 30, 2014	to the TCEQ Abile rking days of beco n investigation con I not submit non- entration violation	ene Regional Office oming aware of the nducted on Decemb compliance notifical is that occurred du 28, 2014; March 31	and the non- per 16, tions for ring the	
					Base	Penalty _	\$25,000
>> Environme	ntal, Propei		Health Matrix Harm				
OR	Release Actual		loderate Minor				
	Potential			Pe	ercent 0.0%		
>>Programma	tic Matrix Falsification	Major M	loderate Minor				
		į varžinių į] Pe	ercent 5.0%		
Matrix Notes		100%	of the permit require	ment was not me	d : : : : : : : : : : : : : : : : : : :		
Notes	No service Care La			Adine	inent	\$23,750	
				,,		420//30	
						L	\$1,250
Violation Event	s						·
		Violation Events	5	312 Nu	ımber of violation d	ays	
	mark only one with an x	dally weekly in monthly was a monthly guarterly semiannual annual single event.			Violation Base	Penalty	\$6,250
		Five single eve	nts are recommende	d, one for each no	tification.		
Good Faith Effo	orts to Com	nlv Via	25.0%		D	eduction	\$1,562
		Befor		EDPRP/Settlement C	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		7-7-0
S. Contraction of the Contractio		Extraordinary					
***************************************		Ordinary	X				-
The state of the s		N/AI	(mark with	rjejski kaj spilantej situ			**************************************
		Notes	e Respondent return	ed to compliance b 2014.	by December 16,		
		U			Violation S	Subtotal	\$4,688
Economic Bene	fit (EB) for	this violation		St	atutory Limit	Test	
		ed EB Amount	\$14		lation Final Penal		\$5,456
	Latiniat	CC ED AMOUNT	This violation Fin			-	\$5,456
					-,		7-7:-0

	E	conomic	Benefit '	Wol	rksheet		
Respondent	City of Baird						
Case ID No.	50024						
g, Ent. Reference No.	RN101720969	•					
Media	Water Quality					Percent Interest	Years of
Violation No.	2					reiteilt tilteiest	Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
- 1 1- 1-	,		•				
Delayed Costs	400	1		0.00	\$0	\$0	\$0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land	Daniel Basinias da		and the second second second	0.00	\$0	11/8	\$0
Record Keeping System	(5114111452511411114111			0.00	\$0	ry a	\$0
Training/Sampling	\$250	5-Feb-2014	16-Dec-2014	0.86	\$11	11/2	\$11
Remediation/Disposal				0.00	\$0	n/a .	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	1007017 ¹ 10.017101909097.59						
Other (as needed)						aining to ensure than reports to the TCE	
Notes for DELAYED costs	and reporti	ng requirements a hich deviate by m	tional guidance ire met, includin ore than 40% fi	and cor g the s om the	nduct employee tr submittal of writter	aining to ensure that in reports to the TCE in limitation. Date r	at all monitorin Q for effluent
	and reporti violations w	ng requirements a hich deviate by m invest	tional guidance ire met, includin ore than 40% fi digation date. Fi	and cor g the s rom the nal dat	nduct employee tr submittal of writter e permitted effluer e is the date of co	aining to ensure than reports to the TCE of limitation. Date repulsions of the total control of the control of	at all monitoring for effluent equired is the
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Avoided Costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	and reportivious will and reportivious will an annual annu	ng requirements a hich deviate by m invest IZE [1] avoided	tional guidance ire met, includin ore than 40% fi igation date. Fi costs before	and cor g the s rom the nal dat enterir 0.00 0.00 0.00 0.00	nduct employee tr submittal of writter e permitted effluer e is the date of co ng item (except \$0 \$0 \$0 \$0	aining to ensure than reports to the TCE of the Imitation. Date reports to the TCE of the Imitation. Date reports the Imitation of the Imitati	det all monitoring of the sequired is the ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	and reportivious will and reportivious will an annual annu	ng requirements a hich deviate by m invest IZE [1] avoided	tional guidance ire met, includin ore than 40% fi igation date. Fi costs before	and cor g the s rom the nal dat enterir 0.00 0.00 0.00 0.00	nduct employee tr submittal of writter e permitted effluer e is the date of co ng item (except \$0 \$0 \$0 \$0	aining to ensure than reports to the TCE of the Imitation. Date reports to the TCE of the Imitation. Date reports the Imitation of the Imitati	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	and reportivious will and reportivious will an annual annu	ng requirements a hich deviate by m invest IZE [1] avoided	tional guidance ire met, includin ore than 40% fi igation date. Fi costs before	and cor g the s rom the nal dat enterir 0.00 0.00 0.00 0.00	nduct employee tr submittal of writter e permitted effluer e is the date of co ng item (except \$0 \$0 \$0 \$0	aining to ensure than reports to the TCE of the Imitation. Date reports to the TCE of the Imitation. Date reports the Imitation of the Imitati	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	ng requirements a hich deviate by m invest IZE [1] avoided	tional guidance ire met, includin ore than 40% fi igation date. Fi I costs before	enterin 0.00 0.00 0.00 0.00 0.00 1.24 0.00	nduct employee tr submittal of writter e permitted effluer e is the date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	aining to ensure than reports to the TCE of limitation. Date repulsion of the repuls	et all monitorii EQ for effluent equired is the ded costs) \$0 \$0 \$0 \$0 \$0 \$133
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL \$125 Estimated cos	ng requirements a hich deviate by m invest IZE [1] avoided 7-Feb-2014 st that was avoided	tional guidance are met, including ore than 40% figation date. Fi costs before 5-Jun-2014 d by failing to strequired is the core	enterin 0.00 0.00 0.00 1.24 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0	nduct employee tr submittal of writter e permitted effluer e is the date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	aining to ensure the reports to the TCE of the Imitation. Date of mpliance. for one-time avoides some some some some some some some so	det all monitoring of the sequence of the sequ
Avoided Costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL \$125 Estimated cos	ng requirements a hich deviate by m invest IZE [1] avoided 7-Feb-2014 st that was avoided	tional guidance are met, including ore than 40% figation date. Fi costs before 5-Jun-2014 d by failing to strequired is the core	enterin 0.00 0.00 0.00 1.24 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0	nduct employee tr submittal of writter e permitted effluer e is the date of co ong item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	aining to ensure the reports to the TCE of the Imitation. Date of mpliance. for one-time avoides the solution of the solution	det all monitoring of the sequired is the ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$133 \$0 per notification

Screening Date		Docket No. 2015-0177-M	WD-E	PCW
Respondent			Policy F	Revision 4 (April 2014)
Case ID No.			PCW Re	vision March 26, 2014
Reg. Ent. Reference No.				D.)
Media [Statute]	Water Quality			
Enf. Coordinator Violation Number				
		125(1) and (17) and TPDES Permit No.	W00010027001	
Kaio Sice(s)	130 Tex. Admin. Code 9 305.	Sludge Provisions	WQ0010037001,	-
		The state of the s		***************************************
Violation Description	July 31, 2014 to the TCE	annual sludge report for the monitoring Q Abilene Regional Office by September n investigation conducted on December	30, 2014, as	
			Base Penalty	\$25,000
>> Environmental, Prope	rty and Human Health	Matrix		
	Harm			
Release		Minor		
OR Actual Potential				
Foteritial	Telletti urbier raadinat. Juda 1985 ing m	Percent	0.0%	***************************************
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
Describition of		Percent	1.0%	
arcardaceoscapissis	THE SAME ASSOCIATION OF THE STATE AND A SECTION OF THE SAME ASSOCIATION OF THE STATE AND A SECTION OF THE SAME AND A SECTI			
Matrix Natas	At least 70% of th	e permit requirement was met.		
Notes				
		Adjustment	\$24,750	
			72.1/1.501	
Q-			L	\$250
Violation Events				
		-		
Number of	Violation Events 1	Number of vio	olation days	
		7		
The same of the sa	dally entrement			
	monthly Bushing Control			
mark only one with an x	quarterly 488836868	Violatio	n Base Penalty	\$250
WILLI ALL X	semiannual			
·	annual Industria			
4	single event			
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Good Faith Efforts to Com	iply 10.0% Before NOE/NOV		Reduction	\$25
	Extraordinary Extraordinary	MOL/NOV to EDITA/Settlement offer		***************************************
-	Ordinary			
	N/A	(mark with x)		
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at the state of th	Notes	ondent returned to compliance by March 2015.	4,	
VI ANTONIO PARTICIPATO PARTICI				restiferance
		Vic	olation Subtotal	\$225
		VIC		V 224
Economic Benefit (EB) for	this violation	Statutory	Limit Test	
Estimat	ted EB Amount	\$11 Violation Fina	al Penalty Total	\$250
-	This vic	plation Final Assessed Penalty (adju	sted for limits)	\$250
		Charly (au)a		4230

ea. Ent. Reference No.	RN101720969						1
Media	Water Quality					Percent Interest	Years of
Violation No.	. 3						Depreciation
						5.0	15
		Date Required	Final Date	Yrs .	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or s						
Delayed Costs	•						
Equipment				0.00	\$0	\$0	\$0
Buildings	CONTRACTOR CHARGES	i Pintikiniilissiitessiin		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	::::::::::::::::::::::::::::::::::::::	perandikan syang at matasa.	NUMBER OF STREET	0.00	\$0	\$0	\$0
Land	 Sarametera aldani. 		communication will	0.00	\$0	1/8	\$0
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Record Keeping System	\$50	5-Feb-2014	2-Mar-2015	1.07	\$3	n/a	\$3 #0
Training/Sampling	\$50 \$150	5-Feb-2014 5-Feb-2014	2-Mar-2015 2-Mar-2015	1.07	\$8	n/a	\$8
Training/Sampling Remediation/Disposal				1.07 0.00	\$8 \$0	n/a n/a .	\$8 \$0
Training/Sampling	\$150 The first d	5-Feb-2014 elayed cost is the	2-Mar-2015 estimated amou	1.07 0.00 0.00 0.00 nt to su	\$8 \$0 \$0 \$0 bmit the annual	n/a	\$8 \$0 \$0 \$0 \$0
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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600634182, RN101720969, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, CN600634182, City of Baird

Classification: SATISFACTORY

Rating: 0.89

or Owner/Operator: **Regulated Entity:**

RN101720969, CITY OF BAIRD WWTP

Classification: SATISFACTORY

Rating: 2.67

Complexity Points:

Repeat Violator: NO

CH Group:

08 - Sewage Treatment Facilities

Location:

IMMEDIATELY EAST OF THE TP LAKE DAM AND IMMEDIATELY SOUTH OF THE TEXAS-PACIFIC RAILROAD

RIGHT-OF-WAY IN CALLAHAN COUNTY, TEXAS

TCEQ Region:

REGION 03 - ABILENE

ID Number(s):

WASTEWATER PERMIT WQ0010037001

WASTEWATER EPA ID TX0053384

WASTEWATER LICENSING LICENSE WOO010037001

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: April 01, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 01, 2010 to April 01, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Raymond Mejia

Phone: (512) 239-5460

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

3) If **YES** for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

1

5) If **YES**, when did the change(s) in owner or operator N/A occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

Effective Date: 01/12/2015

ADMINORDER 2014-0813-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov: Eff. Limitations & Monitoring Req. No. 1 PERMIT

Description: Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE §26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010037001, Effluent Limitations and Monitoring Requirements No. 1.

EFFLUENT VIOLATION TABLE

Permitted Effluent Limits June 2013 August 2013 September 2013 January 2014 February

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

The approve	al dates of investigation	ns (CCEDS I
Item 1	April 15, 2010	(832619)
Item 2	May 14, 2010	(832620)
Item 3	June 16, 2010	(846815)
Item 4	July 14, 2010	(861326)
Item 5	August 23, 2010	(959907)
Item 6	August 25, 2010	(867506)
Item 7	September 18, 2010	(874514)
Item 8	October 14, 2010	(882091)
Item 9	November 10, 2010	(888561)
Item 10	December 07, 2010	(896906)
Item 11	January 18, 2011	(902851)
Item 12	February 15, 2011	(909702)
Item 13	March 28, 2011	(916918)
Item 14	April 02, 2011	(938639)
Item 15	May 17, 2011	(938640)
Item 16	June 21, 2011	(946005)
Item 17	September 20, 2011	(965946)
Item 18	October 17, 2011	(971988)
Item 19	November 18, 2011	(978153)
Item 20	December 12, 2011	(984923)
Item 21	January 17, 2012	(991212)
Item 22	February 17, 2012	(998579)
Item 23	March 22, 2012	(1004108)
Item 24	May 21, 2012	(1017049)
Item 25	June 20, 2012	(1024814)
Item 26	July 23, 2012	(1032171)
Item 27	August 20, 2012	(1038599)
Item 28	September 25, 2012	(1047468)
Item 29	October 22, 2012	(1064005)
Item 30	November 26, 2012	(1064006)
Item 31	December 27, 2012	(1064007)
Item 32	January 28, 2013	(1080298)
Item 33	February 26, 2013	(1080297)
Item 34	March 20, 2013	(1089939)
Item 35	April 24, 2013	(1096334)
Item 36	May 23, 2013	(1107278)
Item 37	June 27, 2013	(1110943)
Item 38	August 27, 2013	(1125601)
Item 39	November 26, 2013	(1141316)
Item 40	December 23, 2013	(1147781)
Item 41	January 22, 2014	(1153833)
Item 42	September 25, 2014	(1206434)
Item 43	October 24, 2014	(1212844)
Item 44	November 25, 2014	(1219098)
Item 45	December 22, 2014	(1224880)
Item 46	January 23, 2015	(1231658)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date: 04/30/2014 (1181147)

CN600634182

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Failure to meet the limit for one or more permit parameter

2 Date:

3

4

05/31/2014 (1188047)

CN600634182

Self Report? YES

Classification:

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

06/30/2014 (1199596)

CN600634182

Classification:

Citation:

Date:

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

CN600634182

07/31/2014 (1199597) Date:

Self Report? YES

Classification:

Moderate

Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF BAIRD	§	
RN101720969	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2015-0177-MWD-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Baird (the "Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment facilty located immediately east of the TP Lake Dam and immediately south of the Texas-Pacific Railroad right-ofway in Callahan County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 21, 2015.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Eight Thousand Six Hundred Twenty-One Dollars (\$28,621) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred

Thirty-Seven Dollars (\$637) of the administrative penalty and Five Thousand Seven Hundred Twenty-Four Dollars (\$5,724) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-Two Thousand Two Hundred Sixty Dollars (\$22,260) of the administrative penalty shall be payable in 35 monthly payments of Six Hundred Thirty-Six Dollars (\$636) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By December 16, 2014, updated operational guidance and conducted employee training to ensure that all effluent parameters, including *Escherichia coli* ("*E. coli*"), are monitored at the frequencies specified in the permit; all effluent violations which deviate from the permitted limit by more than 40% are properly reported to the TCEQ; and all reporting procedures are properly accomplished for annual sludge reports.
 - b. By December 31, 2014, began collecting and analyzing effluent samples for *E. coli*.
 - c. By March 2, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to collect and analyze effluent samples for *E. coli*, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(11)(A), 319.1, 319.4, and 319.5(b), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010037001, Monitoring and Reporting Requirements Nos. 1 and 3.a, as documented during an investigation conducted on December 16, 2014. Specifically, the Respondent did not collect and analyze samples for *E. coli* for the monitoring periods ending May 31, 2014 through November 30, 2014.
- 2. Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the TCEQ Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010037001, Monitoring and Reporting Requirements No. 7(c), as documented during an investigation conducted on December 16, 2014. Specifically, the Respondent did not submit non-compliance notifications for ammonia-nitrogen daily average concentration violations that occurred during the monitoring periods ending January 31, 2014; February 28, 2014; March 31, 2014; April 30, 2014; and May 31, 2014.
- 3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014 to the TCEQ Abilene Regional Office by September 30, 2014, in violation of 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010037001, Sludge Provisions, as documented during an investigation conducted on December 16, 2014.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

City of Baird DOCKET NO. 2015-0177-MWD-E Page 4

"TCEQ" and shall be sent with the notation "Re: City of Baird, Docket No. 2015-0177-MWD-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

City of Baird DOCKET NO. 2015-0177-MWD-E Page 5

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

7. The effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	12/2/15 Date
agree to the attached Agreed Order on behado agree to the terms and conditions specifi	and the attached Agreed Order. I am authorized to alf of the entity indicated below my signature, and I fied therein. I further acknowledge that the TCEQ, in , is materially relying on such representation.
 and/or failure to timely pay the penalty am A negative impact on compliance his Greater scrutiny of any permit appli Referral of this case to the Attorney additional penalties, and/or attorne Increased penalties in any future en Automatic referral to the Attorney of and TCEQ seeking other relief as author 	istory; ications submitted; General's Office for contempt, injunctive relief, ey fees, or to a collection agency; iforcement actions; General's Office of any future enforcement actions;
Signature Signature	7-7-15 Date
Name (Printed or typed) Authorized Representative of City of Baird	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.